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# HOUSE BILL No. 1079

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-25-16-1; IC 20-29.

**Synopsis:** Subjects of educational discussion and bargaining. Removes the requirements that: (1) items included in the 1972-1973 collective bargaining agreement between an employer school corporation and the school employee organization continue to be subjects for collective bargaining; and (2) a school employer shall bargain collectively regarding hours of employment with the exclusive representative of certificated school employees of the school employer. Repeals language: (1) requiring a school employer to discuss certain items relating to school employment, teaching methods, textbooks, and students with the exclusive representative of certificated school employees of the school employer; and (2) concerning recommendations from a school superintendent to the school employer. Provides that a collective bargaining agreement in effect on June 30, 2008, is not affected by the removal or repeal of these requirements. Makes conforming amendments.

**Effective:** July 1, 2008.

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January 8, 2008, read first time and referred to Committee on Labor and Employment.

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Introduced

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

## HOUSE BILL No. 1079

A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 20-25-16-1, AS AMENDED BY P.L.2-2006,  
2       SECTION 116, IS AMENDED TO READ AS FOLLOWS  
3       [EFFECTIVE JULY 1, 2008]: Sec. 1. To provide the board with the  
4       necessary flexibility and resources to carry out this article, the  
5       following apply:

6           (1) The board may:

7               (A) eliminate or modify existing policies;

8               (B) create new policies; and

9               (C) alter policies;

10          subject to this article and the plan developed under IC 20-25-10.

11          (2) IC 20-29 applies to the school city. ~~except for the provision of~~  
12          ~~IC 20-29-6-7(a) that requires any items included in the 1972-1973~~  
13          ~~agreements between an employer school corporation and an~~  
14          ~~employee organization to continue to be bargainable.~~

15          (3) The board may waive the following statutes and rules for any  
16          school in the school city without administrative, regulatory, or  
17          legislative approval:

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- 1 (A) The following rules concerning curriculum and  
 2 instructional time:  
 3 511 IAC 6.1-3-4  
 4 511 IAC 6.1-5-0.5  
 5 511 IAC 6.1-5-1  
 6 511 IAC 6.1-5-2.5  
 7 511 IAC 6.1-5-3.5  
 8 511 IAC 6.1-5-4.  
 9 (B) 511 IAC 6.1-4-1 concerning student/teacher ratios.  
 10 (C) The following statutes and rules concerning textbooks and  
 11 rules adopted under the statutes:  
 12 IC 20-20-5-1 through IC 20-20-5-4  
 13 IC 20-20-5-23  
 14 IC 20-26-12-1  
 15 IC 20-26-12-2  
 16 IC 20-26-12-24  
 17 IC 20-26-12-26  
 18 IC 20-26-12-28  
 19 511 IAC 6.1-5-5.  
 20 (D) 511 IAC 6.1-4-2 concerning school principals.  
 21 (4) Notwithstanding any other law, a school city may do the  
 22 following:  
 23 (A) Lease school transportation equipment to others for  
 24 nonschool use when the equipment is not in use for a school  
 25 city purpose.  
 26 (B) Establish a professional development and technology fund  
 27 to be used for:  
 28 (i) professional development; or  
 29 (ii) technology, including video distance learning.  
 30 (C) Transfer funds obtained from sources other than state or  
 31 local government taxation to any account of the school  
 32 corporation, including a professional development and  
 33 technology fund established under clause (B).  
 34 (5) Transfer funds obtained from property taxation to the general  
 35 fund and the school transportation fund, subject to the following:  
 36 (A) The sum of the property tax rates for the general fund and  
 37 the school transportation fund after a transfer occurs under this  
 38 subdivision may not exceed the sum of the property tax rates  
 39 for the general fund and the school transportation fund before  
 40 a transfer occurs under this subdivision.  
 41 (B) This subdivision does not allow a school corporation to  
 42 transfer to any other fund money from the debt service fund.

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SECTION 2. IC 20-29-4-1, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. School employees may:

- (1) form, join, or assist school employee organizations;
- (2) participate in collective bargaining with school employers through representatives of their own choosing; and
- (3) engage in other activities, individually or in concert; to establish, maintain, or improve salaries, wages, hours, salary and wage related fringe benefits, and other matters set forth in IC 20-29-6-4 and IC 20-29-6-5. ~~and IC 20-29-6-7.~~

SECTION 3. IC 20-29-4-3, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. School employers have the responsibility and authority to manage and direct on behalf of the public the operations and activities of the school corporation to the full extent authorized by law, including but not limited to the following:

- (1) Direct the work of the school employer's employees.
- (2) Establish policy through procedures established in IC 20-29-6-4 and IC 20-29-6-5. ~~and IC 20-29-6-7.~~
- (3) Hire, promote, demote, transfer, assign, and retain employees through procedures established in IC 20-29-6-4 and IC 20-29-6-5. ~~and IC 20-29-6-7.~~
- (4) Suspend or discharge employees in accordance with applicable law through procedures established in IC 20-29-6-4 and IC 20-29-6-5. ~~and IC 20-29-6-7.~~
- (5) Maintain the efficiency of school operations.
- (6) Relieve employees from duties because of lack of work or other legitimate reason through procedures established in IC 20-29-6-4 and IC 20-29-6-5. ~~and IC 20-29-6-7.~~
- (7) Take actions necessary to carry out the mission of the public schools as provided by law.

SECTION 4. IC 20-29-6-1, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. School employers and school employees shall:

- (1) have the obligation and the right to bargain collectively the items set forth in section 4 of this chapter; **and**
- ~~(2) have the right and obligation to discuss any item set forth in section 7 of this chapter; and~~
- ~~(3)~~ **(2)** enter into a contract embodying any of the matters on which they have bargained collectively.

SECTION 5. IC 20-29-6-4, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,

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2008]: Sec. 4. A school employer shall bargain collectively with the exclusive representative on the following:

(1) Salary.

(2) Wages.

~~(3) Hours.~~

~~(4)~~ (3) Salary and wage related fringe benefits, including accident, sickness, health, dental, or other benefits under IC 20-26-5-4 that were subjects of bargaining on July 1, 2001.

SECTION 6. IC 20-29-6-9, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. The obligation to bargain collectively ~~or discuss~~ a matter does not prevent:

(1) a school employee from petitioning the school employer, governing body, or superintendent for a redress of the employee's grievances, either individually or through the exclusive representative; or

(2) the school employer or superintendent from conferring with a citizen, taxpayer, student, school employee, or other person considering the operation of the schools and the school corporation.

SECTION 7. IC 20-29-7-1, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. It is an unfair practice for a school employer to do any of the following:

(1) Interfere with, restrain, or coerce school employees in the exercise of the rights guaranteed in IC 20-29-4.

(2) Dominate, interfere, or assist in the formation or administration of any school employee organization or contribute financial or other support to the organization. Subject to rules adopted by the governing body, a school employer may permit school employees to confer with the school employer or with any school employee organization during working hours without loss of time or pay.

(3) Encourage or discourage membership in any school employee organization through discrimination in regard to:

(A) hiring;

(B) tenure of employment; or

(C) any term or condition of employment.

(4) Discharge or otherwise discriminate against a school employee because the employee has filed a complaint, affidavit, petition, or any information or testimony under this article.

(5) Refuse to

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1           ~~(A)~~ bargain collectively ~~or~~  
2           ~~(B)~~ discuss;  
3           with an exclusive representative as required by this article.  
4           (6) Fail or refuse to comply with any provision of this article.  
5           SECTION 8. THE FOLLOWING ARE REPEALED [EFFECTIVE  
6           JULY 1, 2008]: IC 20-29-2-7; IC 20-29-6-7; IC 20-29-6-8;  
7           IC 20-29-6-10.  
8           SECTION 9. [EFFECTIVE JULY 1, 2008] **(a) This act does not**  
9           **apply to or abrogate a collective bargaining agreement in effect on**  
10          **June 30, 2008.**  
11          **(b) This SECTION expires July 1, 2010.**

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